

**ENTERED**

October 20, 2021

Nathan Ochsner, Clerk

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF TEXAS  
BROWNSVILLE DIVISION**JUAN CARLOS GONZALEZ,  
"Petitioner,"

v.

BOBBY LUMPKIN,  
"Respondent."§  
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Civil Action No. 1:21-cv-00076

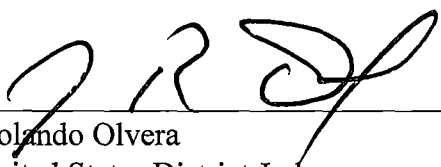
**ORDER ADOPTING MAGISTRATE JUDGE'S REPORT AND RECOMMENDATION**

Before the Court is the "Magistrate Judge's Report and Recommendation" ("R&R") (Dkt. No. 12). The R&R recommends this Court (1) grant "Respondent Lumpkin's Motion for Summary Judgment with Brief in Support" ("MSJ") (Dkt. No. 11); (2) dismiss Petitioner's<sup>1</sup> "Petition for a Writ of Habeas Corpus by a Person in State Custody" ("Petition") (Dkt. No. 1); (3) decline to issue a certificate of appealability; and (4) direct the Clerk of Court to close this case.

Objections were due September 29, 2021. No objections were filed by either party. If there have been no objections to the magistrate's ruling, then the appropriate standard of review is "clearly erroneous, abuse of discretion and contrary to law." *United States v. Wilson*, 864 F.2d 1219, 1221 (5th Cir. 1989). Finding no clear error, abuse of discretion, or finding contrary to law, the R&R is **ADOPTED**.

Respondent's MSJ (Dkt. No. 11) is **GRANTED** and Petitioner's Petition (Dkt. No. 1) is **DISMISSED**. The Court **DECLINES** to issue a certificate of appealability. The Clerk of the Court is **ORDERED** to close the case.

Signed on this 20<sup>th</sup> day of October, 2021.

  
 Rolando Olvera  
 United States District Judge

<sup>1</sup> The R&R notes that Petitioner spells his last name both Gonzalez and Gonzales; the R&R uses "Gonzalez" following the spelling of the state court judgment of conviction. Dkt. No. 12 at 1 n.1. This Court does the same.